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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,332	09/24/2001	Jukka Seppala	324-010518-US (PAR)	1192
2512	7590	11/16/2005	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			LEVITAN, DMITRY	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

09/963,332

Applicant(s)

SEPPALA ET AL.

Examiner

Dmitry Levitan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/31/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-7,9-17 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9-17 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Amendment, filed 10/31/05, has been entered. Claims 1, 2, 5-7, 9-17 and 19-23 remain pending.

Claim Objections

In light of Applicant's amendment, the objections to the claims have been withdrawn.

Claim Rejections - 35 USC § 101

In light of Applicant's amendment the rejection of claim 18 under 35 U.S.C. 101 has been withdrawn.

Claim Rejections - 35 USC § 103

1. Claims 1, 2, 5-7, 9-17 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins (IP mobility support RFC 2002, October, 1996, pp. 1-56) in view of Feder (US 6,522,881).
2. Regarding claims 1, 5-7, 9, 10, 21 and 22, Perkins substantially teaches their limitations:

A method, network element, router and mobile node (outline of operation of Mobile IP protocol on page 8) using mobility agents in a telecommunication system (foreign agents and home agents on page 8), which comprises at least one mobile node supporting mobile IP (mobile node on Figure on page 11) and several network elements, of which at least one comprises one or more mobility agents configured to transmit advertising messages to mobile nodes (foreign agent as shown on Figure on page 11, transmitting advertising messages to mobile nodes on page 14, wherein foreign agent is operating as a router, because it implements standard IP routing mechanisms, page 10). Also Perkins teaches transmitting information on the attributes of one or more foreign agents from mobility agents to at least one mobile node (transmitting a mobility

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agent advertisement extension as shown on page 16, comprising field B, "Busy", indicating that the foreign agent will not accept registrations from additional mobile nodes, page 17).

Perkins does not teach several foreign agents, said information comprising the load of the foreign agent attribute and using said information in the mobile node in the selection of the serving network element by comparing attributes of different foreign agents.

Feder teaches several serving elements (multiple access points as shown on Fig. 2 and 2:4-15), transmitting attributes of different serving elements comprising their load and using said information in the selection of the serving element by a mobile node (selecting access points based on their load and performance 2:16-33) by comparing attributes of different foreign agents in the mobile wireless node on the basis of the information/load received from the foreign agents (comparing the access nodes load information, transmitted by access points beacons 6:9-12), Selecting the best foreign agent based on the load of the foreign agents (selecting the best access point, based on the access points received load levels 6:62-7:5 and radio channel measurements 6:40-50) and establishing connection between the mobile node and the selected access point/foreign agent/router (inherently part of the system, because registering with the best of access points is essential for the system operation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use several foreign agents of Perkins and include their load information into the elements advertising messages for selecting one of them by a mobile node by comparing their attributes of Feder to the system of Perkins to improve the system operation in the condition of the foreign agent overload, when it is consistently busy, by adding more serving elements with

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foreign agents increasing the system capacity and providing information for the mobile nodes to select appropriate foreign agent.

3. Regarding claims 11-17, 19, 20 and 23, Perkins in view of Feder substantially teaches their limitations (see rejection of claims 1 and 5-7 above).

Perkins in view of Feder does not teach means for transmitting advertising messages, means for collecting information, means for transmitting the information, reception means and processing means.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add means for transmitting advertising messages, means for collecting information, means for transmitting the information, reception means and processing means to the method of Perkins in view of Feder to implement the method into an operational system, because claimed means implement directly the appropriate method steps.

4. Regarding claim 2, Perkins teaches transmitting advertising messages including care-of address (acquisition of care-of address on page 9) periodically (sending advertisements periodically on page 16) and at the request of a mobile node (mobile node agent solicitation procedure on page 21).

Response to Arguments

5. Applicant's arguments filed 10/31/05 have been fully considered but they are not persuasive.

On page 13 of the Response, Applicant argues that there is no motivation to combine teachings of Perkins and Feder.

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Examiner respectfully disagrees.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Perkins teaches a system for establishing an Internet connection with mobile nodes, regardless of their current point attachment to the Internet (Abstract) and Feder teaches selecting an Access Point for establishing a connection between a mobile unit and Internet (Fig. 1 and 1:32-46). Perkins indicated a situation when a foreign agent is busy and does not accept registration from the mobile unit to the Internet (page 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize several foreign agents of Perkins and the method of Feder by selecting the most appropriate foreign agent.

On page 13 of the Response, Applicant argues that Feder does not teach selecting a serving foreign agent or router.

Examiner respectfully disagrees.

Perkins, not Feder, teaches a system comprising serving foreign agents and routers. Feder teaches a method of selecting one of multiple foreign agents or routers of Perkins by a mobile unit.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dmitry Levitan
Patent Examiner.
11/09/05



JOHN PEZZLO
PRIMARY EXAMINER